

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON, DEPARTMENT  
OF ECOLOGY,

No. CV-05-0182-FVS

Plaintiff,

ORDER DISMISSING MODEL TOXICS  
CONTROL ACT CLAIM

V.

CITY OF MOSES LAKE, a Washington Mutual Corporation,

Defendant.

The Parties having filed a Joint Motion to Dismiss the Plaintiff's Model Toxics Control Act claim without prejudice, Ct. Rec. 21, now therefore,

**IT IS HEREBY ORDERED:**

1. The Joint Motion to Dismiss Plaintiff's Model Toxics Control Act claim, Ct. Rec. 21, is **GRANTED**.

2. The Plaintiff's claim under the Model Toxics Control Act, RCW § 70.105D, is **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(a)(1).

**IT IS SO ORDERED.** The District Court Executive is hereby directed to enter this order and furnish copies to counsel.

**DATED** this 21 day of November, 2006.

s/ Fred Van Sickle  
Fred Van Sickle  
United States District Judge